

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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|--------------------------|---|-----------------|
| JOEL F. HOLUBAR, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| v. |) | CIVIL ACTION |
| |) | NO. 03-12404-NG |
| KENT KHOLBERGER et al., |) | |
| |) | |
| Defendants. |) | |

SCHEDULING ORDER

Following the scheduling conference held on February 4, 2005, in accordance with Federal Rule of Civil Procedure 16(b) and Local Rule 16.1, it is hereby ORDERED as follows:

1. The court adopts the schedule as agreed in court as follows:
 - a. Fact discovery shall be completed by March 31, 2005;
 - b. The parties will designate their experts by April 30, 2005;
 - c. The plaintiffs' expert report(s) shall be produced by May 30, 2005;
 - d. The defendants' expert report(s) shall be produced by June 17, 2005;
 - e. The plaintiffs may file supplemental expert report(s) by July 1, 2005;
 - f. Expert depositions shall be completed by July 30, 2005.
2. The parties do not anticipate filing motions for summary judgment.
3. The next status conference will be a **telephone status conference** and will be held on April 4, 2005 at 10:00 a.m. At that time, the parties shall be prepared to discuss:

- a. the status of the case;
- b. the scheduling for the remainder of the case through trial;
- c. the use of alternative dispute resolution programs; and
- d. consent to trial before the Magistrate Judge.

4. The parties shall submit a brief joint statement no later than five (5) business days before the conference addressing the issues itemized in paragraph 3 above. With respect to the use of ADR or having the matter tried by a Magistrate Judge, the parties shall indicate whether an agreement has been reached, but are not obligated to identify their respective positions.

DATED: February 4, 2005

/ s / Judith Gail Dein
Judith Gail Dein
United States Magistrate Judge